

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 11/17/2008 Monday Dept: 1A

(Posted 11/13/08)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF8140 [M] CAPITAL ONE BANK v BEST
Type: COLLECTIONS Date Filed: 07/28/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL
08/03/09 1:00 1A OSC RE: JUDGMENT

PLNTFF: CAPITAL ONE BANK ATTY: LEGAL RECOVERY LAW OFFICES IN
DEFNDT: BEST, KIM R ATTY: HORNBECK, DAVID A. ESQ.
Service Date/Type: 08/25/08 SUB Answer Date: 10/16/08

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

2. **1:00 PM** Case: CV30407 [S] ANGELO v ELMS, ETAL
Type: CIVIL COMPLAINT Date Filed: 03/11/04
At-Issue Date: 00/00/00 Trial: 11/19/08 COURT TRIAL - LONG CAUSE
Priority Info: CONSOL W/CV30751,CV30407 LEAD
Event: TRIAL SETTING
11/18/08 10:00 1 PLAINTIFF JO ANNE DEANGELO'S MOTION TO
ENFORCE COURT ORDER OF AUGUST 16, 2008
AND TO IMPOSE RELATED SANCTIONS

Related cases NOT on this calendar: CV30751 ,
PLNTFF: ANGELO, DARRYL R ATTY: FOLEY, LAW OFFICES OF KENNETH
PLNTFF: DAVIS SPECIAL NEEDS TRUST, KYLE J
X/COMP: ANGELO, JO ANNE ATTY: REEVE, BOB ESQ
DEFNDT: ELMS, STEVEN M ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 03/20/04 PER Answer Date: 04/26/04
DEFNDT: ELMS, PEGGY L ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 03/20/04 PER Answer Date: 04/26/04
DEFNDT: ANGELO, DARRYL ATTY: FOLEY, LAW OFFICES OF KENNETH
L/CLMT: CALAVERAS LUMBER CO C/O S. AIRO

Tentative Ruling: Discovery issues are ongoing. The next Case Management/Trial Setting hearing shall be in Dept. 1A at 1:00PM on 1/26/09.

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3. 1:00 PM Case: CV34356 [S] TRINKLER v BIANCHINA
Type: SPECIFIC PERFORMANCE Date Filed: 01/11/08
Event: TRIAL SETTING AFTER PRIVATE ARBITRATION

PLNTFF: TRINKLER, WENDEL K. JR. ATTY: ZUMWALT LAW FIRM APC
PLNTFF: TRINKLER, HEIDE ATTY: ZUMWALT LAW FIRM APC
DEFNDT: BIANCHINA, RICK ATTY: SEGERSTROM, KATE POWELL
Service Date/Type: 02/10/08 SUB 00/00/00
DEFNDT: BIANCHINA, DEBRA ATTY: SEGERSTROM, KATE POWELL ESQ
Service Date/Type: 02/10/08 SUB 00/00/00

Tentative Ruling: This case is subject to binding private arbitration and remains open to receive the arbitrator's award. No trial will be set. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 5/18/09.

4. 1:00 PM Case: CV34383 [S] POROVICH v KOPPE JR
Type: PI/PD MOTOR VEHICLE Date Filed: 01/24/08
Event: TRIAL SETTING AFTER ARBITRATION

PLNTFF: POROVICH, ROBERT ATTY: AIROLA, JOHN V. ESQ
DEFNDT: KOPPE JR, ANTHONY MARIO ATTY: DEHART, A JEFFREY ESQ
Service Date/Type: 00/00/00 Answer Date: 03/03/08

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 6 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 4 day court trial.

5. 1:00 PM Case: CV34386 [S] STEIN v KNOWLES
Type: BREACH OF CONTRACT Date Filed: 01/28/08
Event: TRIAL SETTING AFTER ARBITRATION

PLNTFF: STEIN, RODERICK ATTY: STEIN, LAW OFFICES OF RANDOLP
DEFNDT: KNOWLES, BARBARA ATTY: CURTIS & ARATA
Service Date/Type: 04/09/08 PER Answer Date: 05/02/08

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 2 day court trial.

6. 1:00 PM Case: CV34395 [S] CASSIDY v PERFORMING ANIMAL
Type: WRONGFUL TERMINATION Date Filed: 02/01/08
Event: TRIAL SETTING

Related cases NOT on this calendar: CV34372 , CF7873 ,
PLF/XD: CASSIDY, JESSICA ATTY: SHIMODA LAW CORPORATION
DEF/XC: PERFORMING ANIMAL WELFARE SOCIETY ATTY: PORTER SCOTT
Service Date/Type: 00/00/00 Answer Date: 03/12/08

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 6 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 5 day jury trial.

7. 1:00 PM Case: CV34488 [S] BUREAU VERITAS v DEVELOPERS MARINA RID
Type: BREACH OF CONTRACT Date Filed: 03/07/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL
Event: CONTINUED OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: BUREAU VERITAS NORTH AMERICA INC ATTY: TURNER LIU LLP
DEFNDT: DEVELOPERS MARINA RIDGE
DEFNDT: MARINA RIDGE LLC
DEFNDT: DOUBINSKI, LEONID

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/16/09.

8. 1:00 PM Case: CV34839 [S] GRUETTNER ENTERPRISES v WOODS
Type: BREACH OF CONTRACT Date Filed: 07/02/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: GRUETTNER ENTERPRISES INC ATTY: FOLEY, LAW OFFICES OF KENNETH
Service Date/Type: 00/00/00 Answer Date: 09/23/08
DBA: PETER GRUETTNER MAINTENANCE/RE
DEF/XC: WOODS, DOUGLAS ATTY: REYNOLDS, GUY ESQ
Service Date/Type: 07/23/08 PER Answer Date: 09/09/08
DEF/XC: WOODS, HELEN ATTY: REYNOLDS, GUY ESQ
Service Date/Type: 07/24/08 SUB Answer Date: 09/09/08

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 4/20/09.

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9. 1:00 PM Case: CV35046 [S] VALLEJO v DIEHL
Type: BREACH OF CONTRACT Date Filed: 09/08/08
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
01/26/09 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: VALLEJO, O J
PLNTFF: VALLEJO, TAMMY
PLNTFF: STEIN, DEON
PLNTFF: STEIN, ELIZABETH
PLNTFF: ROSENBERG, JEANETTE
PLNTFF: ROSENBERG, DAVE
PLNTFF: MURRAY, DEBBIE
PLNTFF: MURRAY, TERRY
PLNTFF: LONDON, CARL
PLNTFF: LONDON, ANTHEA
DEFNDT: DIEHL, JEFFREY
DEFNDT: DIEHL, CYNTHIA
DEFNDT: MARTIN, MARGARET
DEFNDT: DIEHL, KENNETH
DEFNDT: DIEHL, DOROTHY
DEFNDT: BELLIS, JOHN
DEFNDT: BELLIS, KATHY
DEFNDT: TANNER, JACK
DEFNDT: COLDWELL BANKER HECKER
DBA: C B HECKER

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

10. **2:00 PM** Case: CV33089 [S] MARSHALL v MARSHALL
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/19/06
Event: FURTHER CASE MANAGEMENT CONF-JUDGMENT

PETNR: MARSHALL, NANCY H. ATTY: CALDERWOOD, BRUCE G ESQ
MINOR: MARSHALL MINORS P.D.: AIROLA (P.D.), STEVEN J. ESQ.
RESP: MARSHALL, MICHAEL J. ATTY: YANKOVSKY, KRISTINE ESQ
Service Date/Type: 10/23/06 PRS Answer Date: 11/07/06

Tentative Ruling: The parties represent a settlement is pending. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/02/09.

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11. 2:00 PM Case: CV34286 [S] BEATTY v LOPEZ
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/12/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: BEATTY, LISA M ATTY: IN PRO PER
RESP: LOPEZ, JOHN A P-36529 A2-228L ATTY: IN PRO PER
Service Date/Type: 12/28/07 PER Answer Date: 02/22/08

Tentative Ruling: The parties have failed to appear at the last 2 hearings. The parties are not divorced. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/16/09.

12. 2:00 PM Case: CV34308 [S] STRAHORN v EVANS
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 12/20/07
At-Issue Date: 00/00/00 Trial: 11/06/08 COURT TRIAL - SHORT CAUSE
Priority Info: CONFIDENTIAL FILE
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV19626 , CV22083 ,
PETNR: STRAHORN, DAVID N ATTY: IN PRO PER
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
MINOR: STRAHORN MINORS P.D.: RUSSO (P.D.), ARLEEN ESQ.
RESP: EVANS, BARBARA
Service Date/Type: 01/02/08 PER 00/00/00

Tentative Ruling: There is a permanent custody order in place. Child support is enforced by the local child support agency. Respondent is directed to prepare and submit a proposed judgment reflecting the courts orders of 11/6/08. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/16/09.

13. 2:00 PM Case: CV34339 [S] BURITA v BURITA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 01/04/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: BURITA, JASON J. ATTY: IN PRO PER
RESP: BURITA, NIKKI ATTY: IN PRO PER
Service Date/Type: 03/22/08 PER Answer Date: 04/23/08

Tentative Ruling: There is a proposed judgment in the file. The child support is not supported by a declaration under Family Code § 4065. Both parties should appear to affirm their agreements to allow entry of judgment. Alternatively, the parties may submit another proposed judgment correcting the child support portion. Should the parties fail to appear and affirm their agreement, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/16/09.

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14. 2:00 PM Case: CV34420 [S] WHITNEY v DUNN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/14/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: WHITNEY, RUTHANNE B ATTY: IN PRO PER
RESP: DUNN, WILLIAM K
Service Date/Type: 07/28/08 PER 00/00/00

Tentative Ruling: There is a proposed judgment in the file. The child support is not supported by a declaration under Family Code § 4065. There is no property division proposed. Respondent's signature on the agreement must be notarized. Both parties should appear to affirm their agreements to allow entry of judgment. Alternatively, the parties may submit another proposed judgment correcting the noted errors. Should the parties fail to appear and affirm their agreement, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/16/09.

15. 2:00 PM Case: CV34600 [S] DAVIS v FOX
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 04/14/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: DAVIS, NERIAH ATTY: IN PRO PER
RESP: FOX, AARON

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/2/09.

16. 2:00 PM Case: CV34867 [S] BERNDT v BERNDT
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 07/11/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: BERNDT, LUANN K. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
RESP: BERNDT, DAVID C.
Service Date/Type: 08/01/08 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 3/16/09.

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17. 2:00 PM Case: CV34869 [S] BLACKLEDGE v BLACKLEDGE
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 07/14/08
Priority Info: STAYED PER JD4789
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

MATTER STAYED JUV DEPENDENCY CASE JD4789
11/18/08 9:00 1 PETITIONER'S OSC RE CUSTODY, PARENTAGE/
DNA TEST; SET HRG TO SET ASIDE DECL OF
PATERNITY; RETURN PROPERTY
11/18/08 9:00 1 RESPONDENT'S OSC RE VISITATION, CHILD
SUPPORT, PARENTING CLASS

Related cases NOT on this calendar: CV34870 , CV34872 , JD4789 ,
PETNR: BLACKLEDGE, EMILY ROSE ATTY: CALDERWOOD, BRUCE G ESQ
MINOR: BLACKLEDGE MINOR P.D.: RUSSO (P.D.), ARLEEN ESQ.
RESP: BLACKLEDGE, JAMIE RHEA ATTY: STOMBERG, NANNETTE J. ESQ
Service Date/Type: 07/24/08 PER 00/00/00

Tentative Ruling: The issue of child custody is currently preempted by the juvenile court. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/2/09.

18. 2:00 PM Case: CV34873 [S] QUONTAMATTEO v QUONTAMATTEO
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 07/15/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: QUONTAMATTEO, NANCY MARIE ATTY: IN PRO PER
RESP: QUONTAMATTEO, RICHARD JAMES
Service Date/Type: 07/18/08 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 3/16/09.

19. 3:00 PM Case: CV31726 [S] DRAKE v DRAKE
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/02/05
Event: SETTLEMENT CONFERENCE/TRIAL SETTING RE
CUSTODY, VISITATION, CHILD SUPPORT

Related cases NOT on this calendar: PR6686 , CV35176 ,
PETNR: DRAKE, DANIEL E. ATTY: IN PRO PER
MINOR: DRAKE MINORS P.D.: RUSSO (P.D.), ARLEEN ESQ.
RESP: DRAKE, LYRA R. ATTY: IN PRO PER
Service Date/Type: 06/09/05 PER Answer Date: 06/27/05
NKA: ALMA, LYRA

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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20. 3:00 PM Case: CV33235 [S] MCMURTRY v HALL
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 11/29/06
Priority Info: MSE 3/21/2008
Event: FURTHER SETTLEMENT CONFERENCE

PETNR: MCMURTRY, JUDITH A. ATTY: AIROLA & AIROLA
RESP: HALL, ROBERT D. ATTY: WHITE, BLAIR M. ESQ
Service Date/Type: 11/30/06 ACK Answer Date: 06/04/07

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

21. 3:00 PM Case: CV34098 [S] GARRY v GARRY
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/26/07
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

Related cases NOT on this calendar: CV34084 , C13219 ,
PETNR: GARRY, STEPHANIE ATTY: CALDERWOOD, BRUCE G ESQ
MINOR: GARRY MINOR P.D.: RUSSO (P.D.), ARLEEN ESQ.
RESP: GARRY, TIMOTHY ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 00/00/00 Answer Date: 10/29/07
CLAMNT: ST JOSEPH'S RETIRE SALARY SAVINGS

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

22. 3:00 PM Case: CV34532 [S] MOORE v MOORE
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 03/24/08
Event: SETTLEMENT CONFERENCE/TRIAL SETTING CONF
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: MOORE, KAREN J ATTY: CILENTI, STEVEN ESQ
RESP: MOORE, MARK A ATTY: AIROLA & AIROLA
Service Date/Type: 04/02/08 PER Answer Date: 04/03/08

Tentative Ruling: This settlement conference was set at the request of the parties and subject to timely filing of the necessary disclosures. Petitioner has failed to timely file a Final Declaration of Disclosure and Settlement Conference Statement. Wherefore, the matter reverts to Case Management. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next CMC hearing. The matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 1/26/09.

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23. 3:00 PM Case: CV34689 [S] MCMILLIAN v MCMILLIAN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/12/08
At-Issue Date: 00/00/00 Trial: 12/17/08 COURT TRIAL - SHORT CAUSE
Event: SETTLEMENT CONFERENCE RE BIFURCATED
ISSUES OF CUSTODY, VISITATION & CONTEMPT
12/08/08 2:00 1A FURTHER CASE MANAGEMENT CONF-FAMILY LAW
12/17/08 9:00 1 COURT TRIAL RE BIFURCATED ISSUES OF
CUSTODY, VISITATION AND CONTEMPT

Related cases NOT on this calendar: CV34445 ,
PETNR: MCMILLIAN, KIM M. ATTY: FOLEY, LAW OFFICES OF KENNETH
MINOR: MCMILLIAN MINOR P.D.: RUSSO (P.D.), ARLEEN ESQ.
RESP: MCMILLIAN, JACK W. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 05/24/08 PER Answer Date: 05/30/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.